is respectfully requested.

SUMMARY OF RESTRICTION REQUIREMENT

The Examiner has required restriction of claims 1-8 and 10-14 under 35 U.S.C. 121 to a single invention encompassed by the claims as follows:

> Restriction is required under 35 U.S.C. 121 and 372.
> This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.
> In accordance with 37 CFR 1.499, applicant is required, in response to this action, to elect a single invention to which the claims must be restricted.
> Group I, claim(s) 1-6, 8, 10-11 and 13-14 in part, drawn to the first special technical feature peptide of SEQ ID NO:2, kit and first appearing method of use in a diagnostic assay.
> Group II, claim(s) 1, 3-6, 8, 10-11 and 13-14 in part, drawn to the technical feature peptide of SEQ ID NO:1, kit and method of use in a diagnostic assay.
> Group III, claim(s) 1, 3-6, 8, 10-11 and 13-14 in part, drawn to the technical feature peptide of SEQ ID NO:3, kit and method of use in a diagnostic assay.
> Group IV, claim(s) 1, 3-6, 8, 10-11 and 13-14 in part, drawn to the technical feature peptide of SEQ ID NO:4, kit and method of use in a diagnostic assay.
> Group V, claim(s) 1, 3-6, 8, 10-11 and 13-14 in part, drawn to the technical feature peptide of SEQ ID NO:5, kit and method of use in a diagnostic assay.
> Group VI, claim(s) 1, 3-6, 8, 10-11 and 13-14 in part, drawn to the technical feature peptide of SEQ ID NO:6, kit and method of use in a diagnostic assay.
> Group VII, claim(s) 1, 3-6, 8, 10-11 and 13-14 in part, drawn to the technical feature peptide of SEQ ID NO:7, kit and method of use in a diagnostic assay.
> Group VIII, claim(s) 1, 3-6, 8, 10-11 and 13-14 in part, drawn to the technical feature peptide of SEQ ID NO:8, kit and method of use in a diagnostic assay.
> Group IX, claim(s) 1, 4 and 14 in part, drawn to the technical feature peptide of claim 1 which binds to antibodies which do not bind SEQ ID NO:9.
> Group X, claim(s) 1, 4 and 14 in part, drawn to the technical feature peptide of claim 1 which binds to

antibodies which do not bind SEQ ID NO:10.
Group XI, claim(s) 1, 4 and 14 in part, drawn to the technical feature peptide of claim 1 which binds to antibodies which do not bind SEQ ID NO:11.
Group XII, claim(s) 1, 4 and 14 in part, drawn to the technical feature peptide of claim 1 which binds to antibodies which do not bind SEQ ID NO:12.
Group XIII, claim(s) 1, 4 and 14 in part, drawn to the technical feature peptide of claim 1 which binds to antibodies which do not bind SEQ ID NO:13.
Group XIV, claim(s) 1, 4 and 14 in part, drawn to the technical feature peptide of claim 1 which binds to antibodies which do not bind SEQ ID NO:14.
Group XV, claim(s) 1, 7-8, and 12-14 in part, drawn to the technical feature peptide of claim 7, kit and method of use in a diagnostic assay.
The inventions listed as Groups I-XV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The peptides each differ in sequence structure, length, function, effects and different utilities. The methods use different steps and different reagents corresponding to the distinct technical features peptides, exhibit different effects, functions and outcomes.
Applicants is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

ELECTION

Applicants provisionally elect Group I, claims 1-6, 8, 10-11, and 13-14 in part, drawn to the first special technical feature peptide of SEQ ID NO. 2, kit, and first appearing method of use in

a diagnostic assay, with traverse.

TRAVERSAL

Applicants respectfully traverse the Examiner's restriction requirement for the following reasons.

The restriction requirement is improper because it omits "an appropriate explanation" as to the existence of a "serious burden" if a restriction were not required. (MPEP § 803). An examination of all the claims in this application would not pose a serious burden because a search of any one of invention Groups I through XV would require searching the prior art areas appropriate to the other invention Groups.

Additionally, applicants have paid a filing fee for an examination of all the claims in this application. If the Examiner refuses to examine the claims paid for when this application was filed, applicants must pay duplicative fees to file divisional applications for the non-elected or withdrawn groups of claims.

CONCLUSION

In view of the foregoing, applicants respectfully request the Examiner to reconsider and withdraw the restriction requirement and to examine claims 1-8 and 10-14 pending in this application.

If the Examiner has any questions or wishes to discuss this matter, the Examiner is welcomed to telephone the undersigned

attorney.

Respectfully submitted,

NATH & ASSOCIATES PLLC

Date: Apr. 29, 2002

Gary M. Nath
Reg. No. 26,965
Todd L. Juneau
Reg. No. 40,669
Customer No. 20529

NATH & ASSOCIATES PLLC
1030 Fifteenth Street, N.W.
Sixth Floor
Washington, D.C. 20005-1503
Tel: (202) 775-8383
Fax: (202) 775-8396
GMN:TLJ:JBG:\restrict.roa.doc

PATENT
Attorney Docket No. T390

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

SHINITZKY et al.

Examiner: S. Turner

Serial No.: 09/647,457

Art Unit: 1647

Filed: November 29, 2000

For: **ASSAY FOR THE DIAGNOSIS OF SCHIZOPHRENIA BASED ON A NEW PEPTIDE**

Appendix A

Please amend the following claim as indicated in the following marked up copy of the claims.

7. (Once Amended) A peptide which binds antibodies that are found in elevated levels in body fluids of schizophrenic patients, said peptide comprising at least one antigenic epitope, said epitope having a cyclic three dimensional structure consisting of a hydrophobic core and a positively charged extension, wherein said peptide is SEQ ID NO. 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

SHINITZKY et al.

Examiner: S. Tuller

Serial No.: 09/647,457

Art Unit: 1647

Filed: November 29, 2000

For: **ASSAY FOR THE DIAGNOSIS OF SCHIZOPHRENIA BASED ON A NEW PEPTIDE**

Appendix B

Please amend the following claim as indicated in the following clean copy of the claims.

SUB D5

7. (Once Amended) A peptide which binds antibodies that are found in elevated levels in body fluids of schizophrenic patients, said peptide comprising at least one antigenic epitope, said epitope having a cyclic three dimensional structure consisting of a hydrophobic core and a positively charged extension, wherein said peptide is SEQ ID NO. 2.

PATENT

Attorney Docket No. 24390

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

SHINITZKY et al.

Examiner: S. Turner

Serial No.: 09/647,457

Art Unit: 1647

Filed: November 29, 2000

For: **ASSAY FOR THE DIAGNOSIS OF SCHIZOPHRENIA BASED ON A NEW PEPTIDE**

TRANSMITTAL LETTER

Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

1) Transmittal Letter;
2) Response to Restriction Requirement;
3) Exhibit A; and
4) Exhibit B.

The Commissioner is specifically authorized to charge any required fee deficiency under 37 CFR §§ 1.16 or 1.17, or credit any overpayment, to Deposit Account No. 14-0112 in connection with this matter.

Respectfully submitted,
NATH & ASSOCIATES PLLC

Date: Apr 29, 2002

NATH & ASSOCIATES PLLC
1030 Fifteenth Street, N.W.
Sixth Floor
Washington, D.C. 20005
Tel: (202) 775-8383
Fax: (202) 775-8396

GMN:TLJ:JBG:\roa.tl.doc

Gary M. Nath
Reg. No. 26,965
Todd L. Juneau
Reg. No. 40,669
Customer No. 20529